

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Indict. No. 07-cr-212-RJA

v.

MALIK BAZZI,

Defendant.

STATEMENT OF DEFENDANT WITH RESPECT TO SENTENCING FACTORS

Malik Bazzi is scheduled to be sentenced on June 17, 2013 at 1:30 p.m. On November 25, 2008, defendant Malik Bazzi appeared before U.S. District Judge Richard J. Arcara and plead guilty to Count 2 under the above-captioned Indictment to trafficking in Counterfeit goods in violation of 18 U.S.C. §2320. The plea agreement set forth the statutory provisions for the count of conviction and the factual basis for defendant's plea of guilty . The Revised Pre-Sentence report was prepared by U.S. Probation Officer Specialist Lindsay M. Maza on January 30, 2013

Pursuant to ¶ 14 of the Plea Agreement, the Government and the defendant agreed that neither party would advocate or recommend the application of any other guideline, or move for or recommend a sentence outside the guidelines, except as specifically set forth in this agreement. Subsequently , on June 6, 2013, the U.S. Attorney's Office stated in an email that Defendant Bazzi would be allowed to argue for a non-guideline sentence and has filed a motion for a thirteen level downward departure pursuant to guidelines section

5k1.1. This is in recognition of his substantial and unprecedented level of cooperation which spanned over five years.

The Government and Defense counsel are in agreement that the defendant has provided substantial assistance in the investigation and prosecution of other persons who have committed offenses, and has fully cooperated concerning the investigation and prosecution of such others, meeting with government investigators from Homeland Security and fully disclosing all aspects of his counterfeit sneaker business, which has lead to many seizures of counterfeit goods valued in the millions of dollars.

As counsel to this defendant I can attest to the Court that I have on countless occasions been told not only by my esteemed adversaries that Mr. Bazzi's service to the government was exceptionally meritorious. The defendant's travels took him from his home in Canada, to Buffalo, New York, New York City, to Lebanon and other far off places.

I most respectfully submit that with forty years of practice behind me I have never seen a defendant devote himself so professionally to repent for any wrongdoing.

Respectfully submitted,

/s/ Martin L Schmukler

MARTIN L. SCHMUKLER

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vs

Indictment
07-cr-212-RA

MALIK BAZZI

Defendant

CERTIFICATE OF SERVICE

I hereby certify that on June 12, I electronically filed the foregoing
STATEMENT IN RESPECT TO SENTENCING FACTORS

with the Clerk of the District Court using

The CM/ECF system which would then electronically notify the following
participant (s) in this case:

John E. Rogowski, Esq., Assistant U.S. Attorney

LINDSAY MAZA, United States Probation Officer, via email
Lindsay.Maza@nywp.uscourts.gov

Dated: June 12, 2013
New York, New York

s/ Martin L. Schmukler
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